

IN RE: PETITION FOR ZONING VARIANCE
N/S Stockwell Road, 167' W of
Richmond Avenue
(8740 Stockwell Road)
9th Election District
6th Councilmanic District
Lillian A. Williams
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-379-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side yard setback of 6 feet in lieu of the minimum required 7 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petitioner was David Wolinger with Patio Enclosures, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 8740 Stockwell Road, consists of 6500 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling and accessory shed. Petitioner is desirous of constructing an addition to the existing dwelling in accordance with Petitioner's Exhibit 1 to provide more seasonal habitable space. Petitioner testified that she has discussed the matter with the adjoining property owners who have no objections to her plans. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of June, 1991 that the Petition for Zoning Variance to permit a side yard setback of 6 feet in lieu of the required 7 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Upon request and reasonable notice, Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date 6/19/91
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

June 19, 1991

887-3353

Ms. Lillian A. Williams
8740 Stockwell Road
Baltimore, Maryland 21234

RE: PETITION FOR ZONING VARIANCE
N/S Stockwell Road, 167' W of Richmond Avenue
(8740 Stockwell Road)
9th Election District - 6th Councilmanic District
Lillian A. Williams - Petitioner
Case No. 91-379-A

Dear Ms. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Patio Enclosures, Inc.
224 8th Avenue, N.W., Glen Burnie, Md. 21061

People's Counsel

File

ORDER RECEIVED FOR FILING
Date 6/19/91
By [Signature]

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-379-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section Section 1802.3.A.1 (III), 6.3, Amended 1953 to allow a side yard setback of 6' in lieu of the required 7'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. This area lends itself to the utilization of existing facilities and land without interruption or major alterations to the present floor plan patterns.
2. Insulate and reduce heating bills.
3. Reduce outside noise.
4. A place to sit out and not be concerned with the weather, bugs, mosquitoes, flies, etc.
5. Improve appearance of house.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name) _____
Signature _____
Address _____
City and State _____

Legal Owner(s):
LILLIAN A. WILLIAMS
(Type or Print Name) _____
Signature *Lillian A. Williams*
Address 8740 STOCKWELL ROAD
City and State BALTIMORE, MD. 21234
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
PATIO ENCLOSURES, INC.
224 8th AVE., N.W.
GLEN BURNIE, MD. 21061
BALTIMORE's Telephone No.: 760-1919

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of June, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 28th day of May, 1991, at 10:30 o'clock

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 6/19/91
By [Signature]

91-379-A

LEGAL DESCRIPTION OF PROPERTY

Beginning on the North side of Stockwell Road, 50' wide, at a distance of 167' West of the center line of Richmond Avenue. Being Lot 3 in the subdivision of Woodcroft. Book 19, Folio 64. Also known as 8740 Stockwell Road. In the 9th Election District.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 9th Date of Posting 7/19/91
Posted for: Lillian A. Williams
Petitioner: Lillian A. Williams
Location of property: N/S Stockwell Rd. 167' W of Richmond Ave.
8740 Stockwell Rd.
Location of Sign: Corner of Stockwell Rd. & 22' E. of 10th Ave.
on property of petitioner
Number of Signs: 1

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/25/91.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zeke Orlan
S. Zeke Orlan
Publisher

\$ 61.91

CERTIFICATE OF PUBLICATION

TOWSON, MD. 4/29/91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/25/91.

THE JEFFERSONIAN,

S. Zeke Orlan
S. Zeke Orlan
Publisher

\$ 61.91

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property situated at 8740 Stockwell Road, 167' W of Richmond Avenue, 9th Election District, 6th Councilmanic District, in Room 108 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204, on June 19, 1991, at 10:30 a.m. Variance to allow a side yard setback of 6 ft. in lieu of the required 7 ft.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

91-379

Please Make Checks Payable To: Baltimore County
04A04M063MICHR
05/17/90 18-91

\$86.91



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 5/7/91

Lillian A. Williams
8740 Stockwell Road
Baltimore, Maryland 21234

RE:
Case Number: 91-379-A
N/S Stockwell Road, 167' W of Richmond Avenue
8740 Stockwell Road
9th Election District - 6th Councilmanic
Petitioner(s): Lillian A. Williams
HEARING: TUESDAY, MAY 28, 1991 at 10:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 86.91 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Patio Enclosures, Inc.



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 10, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-379-A
N/S Stockwell Road, 167' W of Richmond Avenue
8740 Stockwell Road
9th Election District - 6th Councilmanic
Petitioner(s): Lillian A. Williams
HEARING: TUESDAY, MAY 28, 1991 at 10:30 a.m.

Variance to allow a side yard setback of 6 ft. in lieu of the required 7 ft.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Lillian A. Williams
Patio Enclosures, Inc.



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 8, 1991

Mr. Robert L. Tice
Patio Enclosures, Inc.
224 8th Avenue, N.W.
Glen Burnie, MD 21061

RE: Item No. 360, Case No. 91-379-A
Petitioner: Lillian A. Williams
Petition for Zoning Variance

Dear Mr. Tice:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Lillian A. Williams
8740 Stockwell Road
Baltimore, MD 21234



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 10th day of April, 1991.

J. Robert Haines
ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Lillian A. Williams

Petitioner's Attorney: Robert L. Tice

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: April 8, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Key Federal Savings Bank, Item No. 186
Oliver W. Riddick, Item No. 327
Marvin West, Item No. 339
Gregory P. Garrison, Item No. 341
Daniel M. Clair, Item No. 345
William H. Robbins, Item No. 349
A. Samuel Kurland, Item No. 351
Lillian A. Williams, Item No. 360

In reference to the above-mentioned Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

MULTIITE.MS/ZAC1



401 Bosley Avenue Suite 405
Towson, MD 21204

887-3554
Fax 887-5784

April 26, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Z.A.C. Meeting Date: April 9, 1991

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 359, 360, 368, 369, 370.

Very truly yours,

Raha J. Famili
Raha J. Famili
Traffic Engineer II

RJF/lab



700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

APRIL 9, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: LILLIAN A. WILLIAMS

Location: #8740 STOCKWELL ROAD

Item No.: 360 Zoning Agenda: APRIL 9, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. William F. Brady* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

received
4/10/91

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 4, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for April 9, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 360, 368 and 369.

For Items 215 (91-180-A) and 373, the previous County Review Group Comments still apply.

For Items 359 and 370, a County Review Group Meeting may be required for each site.

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

received
4/10/91

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 16, 1991

Lillian A. Williams
8730 Stockwell Road
Baltimore, Maryland 21234

Re: 91-379-A
Case Number(s): Lillian A. Williams
Petitioner(s): 8740 Stockwell Road
Location:

Dear Ms. Williams:

Please be advised that due to scheduling conflicts beyond our control, the above matters, previously set to be heard on May 28, 1991 cannot go forward on that date.

This case has been rescheduled for JUNE 12, 1991 at 2:00 P.M.

This office regrets any inconvenience caused by this change and thanks you for your cooperation and understanding.

Very truly yours,

G. G. Stephens
G. G. Stephens
(301)887-3391

cc: Patio Enclosures, Inc.

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 4, 1991

Patio Enclosures, Inc.
224 8th Avenue, N.W.
Glen Burnie, Maryland 21061

Re: 91-379-A
Case Number(s): Lillian A. Williams
Petitioner(s): 8740 Stockwell Road
Location:

Dear Sirs:

Confirming my telephone conversation with Mr. Bob Forrest of your office, the above matter, previously set to be heard on June 12, 1991, has been postponed and rescheduled for TUESDAY, JUNE 18, 1991 at 2:00 a.m.

Very truly yours,

G. G. Stephens
G. G. Stephens
(301)887-3391

cc: Lillian A. Williams

1/6

2515 32

THE MARYLAND TITLE GUARANTEE COMPANY - ASSIGNMENT
Application No. 120,483
This Assignment, made this

13th July

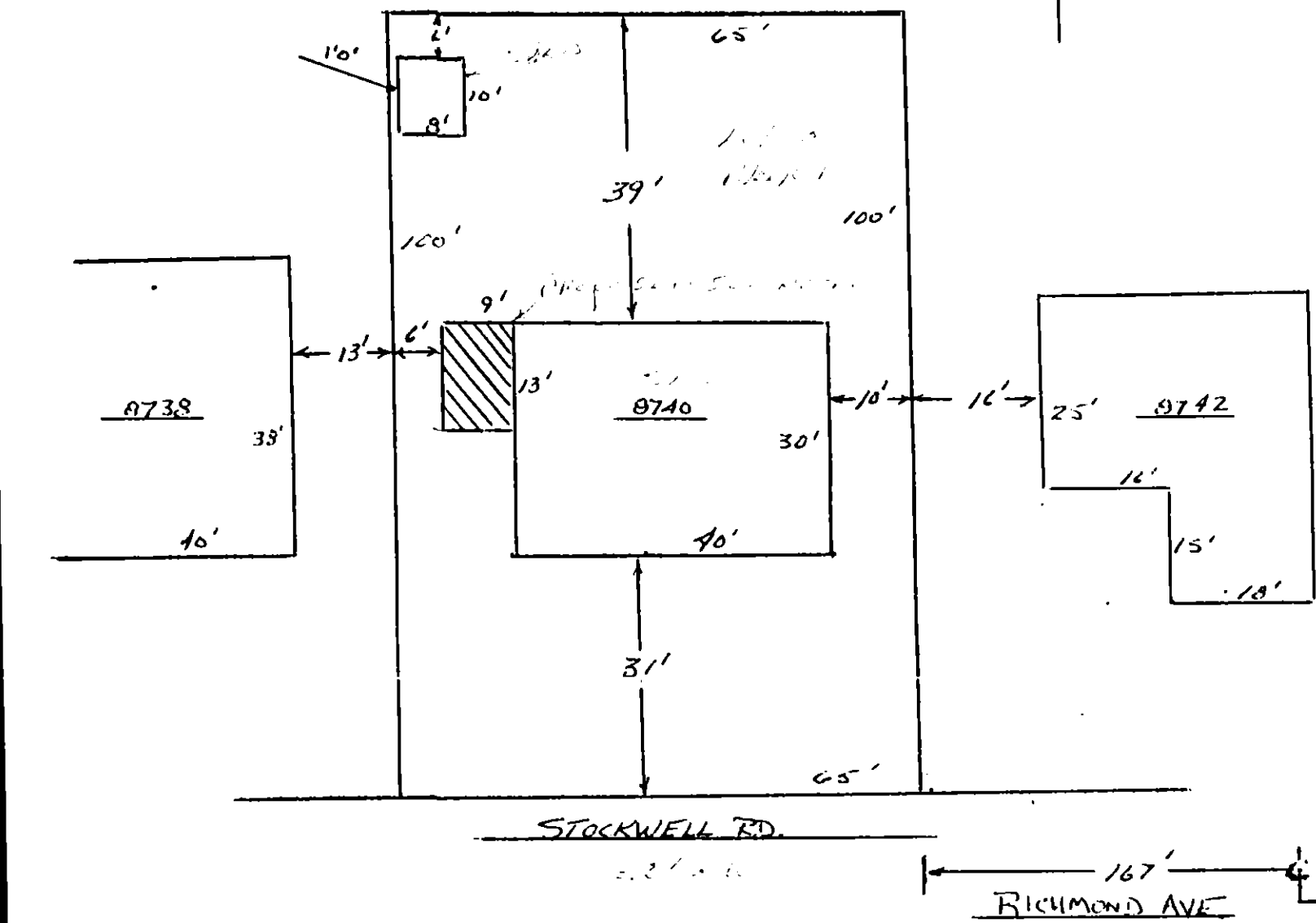
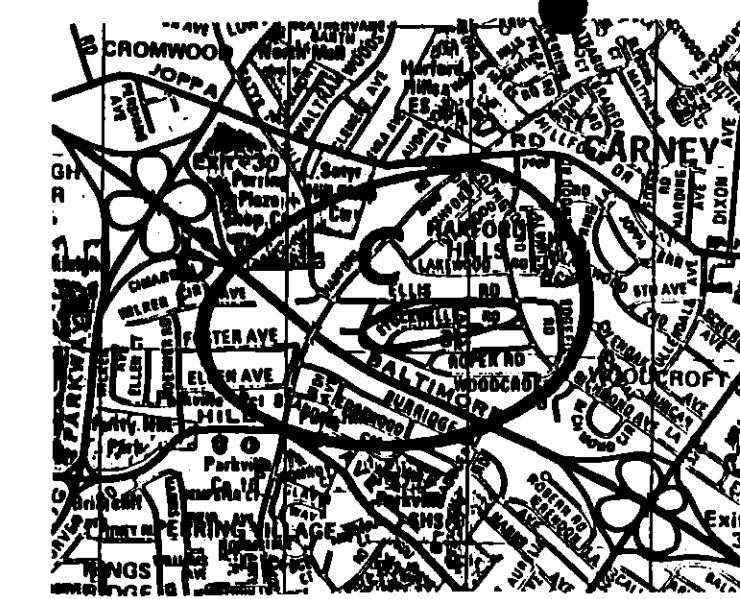
in the year one thousand nine hundred and fifty-four, by and between THE JOSEPH MEYERHOFF COMPANY, a body corporate, duly incorporated under the Laws of the State of Maryland, party of the first part; and HERBERT LEE WILLIAMS and LILLIAN A. WILLIAMS, his wife, of Baltimore County, in the State of Maryland, parties of the second part.

WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part does hereby grant and assign unto the said parties of the second part, as tenants by the entireties, their assigns, and unto the survivor of them, his or her

personal representatives and assigns, all - - - - - lot - - - of ground situate in - - Baltimore County - - in the State of Maryland, and described as follows, that is to say:

BEING known and designated as Lot No. 3, in Block F, Section II, of Woodcroft, which Plat is recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 19, folio 64. The improvements thereon being known as No. 8740 Stockwell Road.

BEING one of the lots of ground which by an Assignment dated March 1, 1954 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2440, folio 17, was granted and assigned by Wheeler Holding Inc. unto the within named Grantor.



91-379-A

OWNER: Lillian Williams
8740 Stockwell Road
Baltimore, Md. 21234

NEIGHBORS:
JEAN LEAMER
8738 STOCKWELL ROAD
BALTIMORE, MD. 21234

MARYBELLE BLAKESLEE
8742 STOCKWELL ROAD
BALTIMORE, MD. 21234

*Petitioner's
Exhibit 1*

*Not to be used for any purpose
other than as shown on map
20/1/1991*

CASE NUMBER 91-379-A

91-379-A

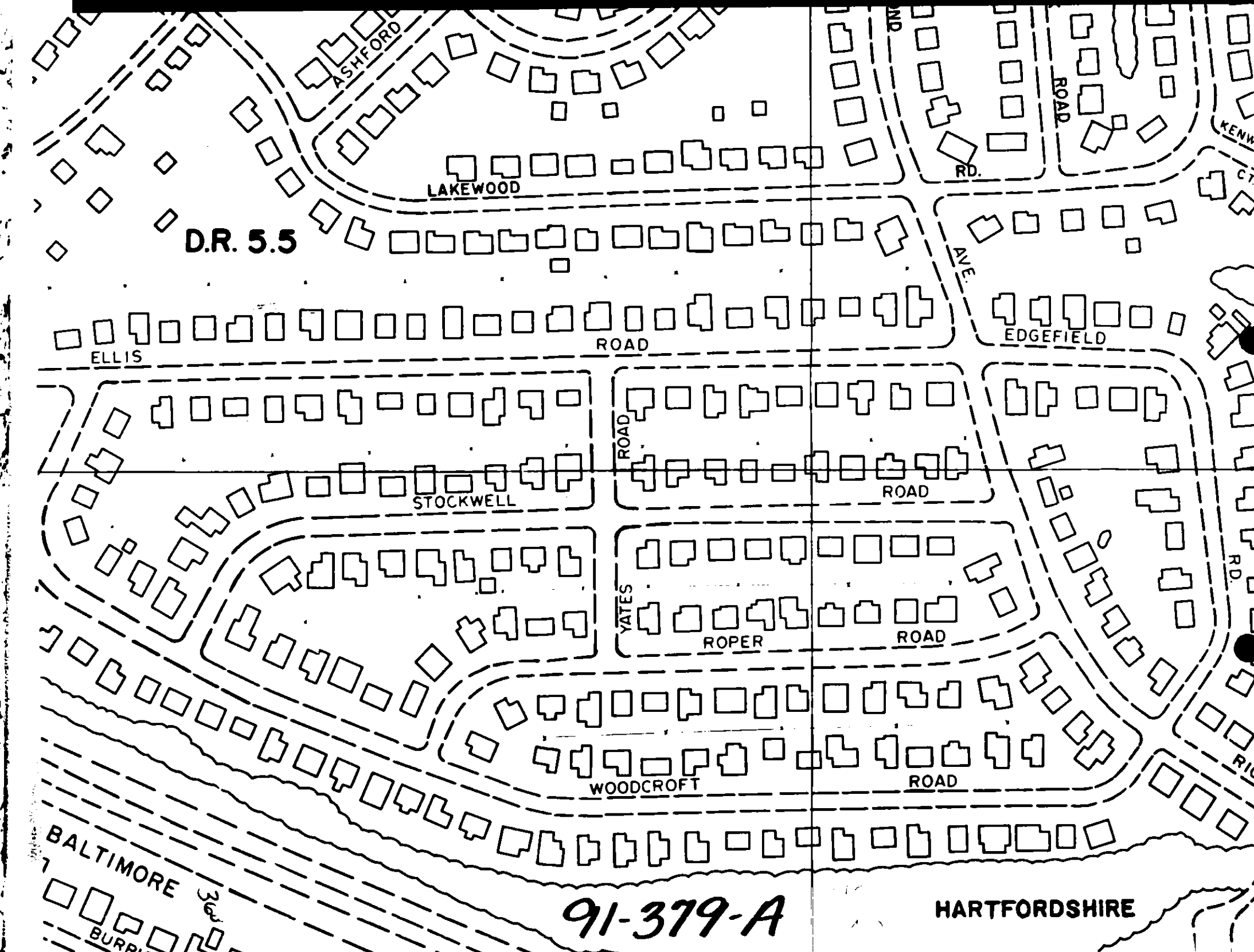
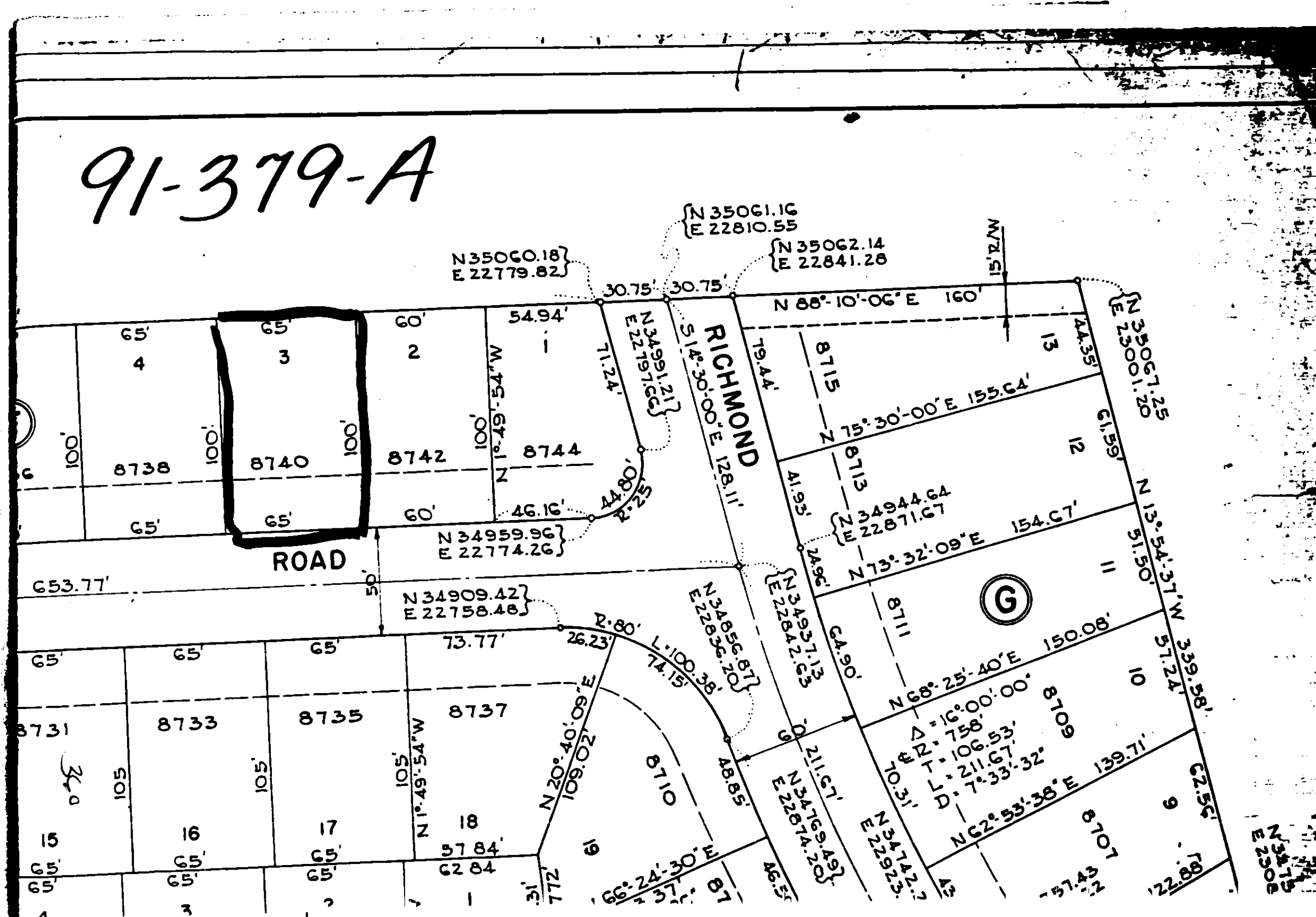


EXHIBIT # 2